

REMARKS

STATUS OF THE CLAIMS

In accordance with the foregoing, claims 1, 3, 5, 7-11, 13 and 15-20 have been amended. Claims 1 and 3-20 are pending and under consideration.

No new matter is being presented and approval of the amended is respectfully requested.

REASONS FOR ENTRY

Applicants request entry of this Rule 116 Response and Request for Reconsideration because the amendments were not earlier presented because Applicants believed in good faith that the cited prior art did not disclose the present invention as previously claimed, and the amendments of claims 1, 3, 5, 7-11, 13 and 15-20 should not entail any further search by the Examiner and do not significantly alter the scope of the claims.

The amendments of claims 1, 3, 5, 7-11, 13 and 15-20 place the application at least into a better form for appeal. The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

OBJECTIONS TO CLAIMS 3, 5, 7-11, 13 AND 15-18

At page 2, item 1, of the Office Action, the Examiner objects to claims 1, 3, 5, 7-11, 13 and 15-18 as being dependent on a cancelled claim.

Claims 1, 3, 5, 7-11, 13 and 15-18 are amended herein to correct the informality. Thus, the objections are respectfully overcome and should be withdrawn.

REJECTIONS OF CLAIMS 1, 5, 10, 13 AND 18-20 UNDER 35 U.S.C. §102(e) AS BEING ANTICIPATED BY SONG (U.S. PATENT NO. 6,678,254)

The rejections of claims 1, 5, 10, 13 and 18-20 are respectfully traversed and reconsideration is requested.

In the Response to Arguments, on page 5 of the Action, the Examiner re-asserts that the EST_ECHO of Song “can act as a tuning signal since it is subtracted from the echo, thereby ‘tuning’ the echo to further minimize the echo...”

However, the EST_ECHO is not a “tuning signal” but rather a pseudo echo (calculated in blocks 350 and 360 in FIG. 4), which is subtracted from the echo (in block 450 in FIG. 4). (See also column 5, lines 50-56).

In contrast, claims 1, 19 and 20 recite “receiving a tuning signal of an echo canceling processing from a speaker, and controlling the echo canceling processing to cancel the echo using the tuning signal in addition to the sound characteristics information detected by the sound characteristics detecting.” In other words, according to the present invention, a speaker can adjust the gain controller 205 by him/herself. Further, the speaker can choose execution or suspension of the echo canceling processing by the echo canceling processing portion. (See page 11, line 26 – page 12, line 1, of the Specification).

Moreover, the echo canceller 170 of Song (although located at the end labeled as the “near-end terminal”) is located at the terminal where the undesirable echo occurs (corresponding to the conversation partner side of the present invention). Therefore, to that extent, Song corresponds with the conventional echo canceller, as described in the “Description of Related Art” section of the present application.

In contrast, claims 1, 19 and 20 recite the sound characteristics detecting portion and the echo canceling portion *being installed in a communication system not on the conversation partner side but on the speaker side*. (Emphasis added). Accordingly, the echo-canceling system and program of the present invention eliminates the problems associated with the related art, described on pages 2-4 of the Specification (i.e., echo canceling can be carried out regardless of a configuration of the system on the conversation partner side).

Furthermore, the Examiner states that Song discloses the features of amended independent claims 1, 19 and 20, including receiving a tuning signal of an echo canceling processing by a speaker, and controlling the echo canceling processing to cancel the echo using the tuning signal in addition to the sound characteristics information detected by the sound characteristics detecting, citing the near-end terminal 110 of Figure 1.

However, Figure 1 does not depict receiving a tuning signal *from a speaker*. Therefore, even if the EST_ECHO is considered a tuning signal, as the Examiner suggests, then Song still does not disclose the feature of amended claim 1, since, in Song, a speaker does not provide the tuning signal.

Claims 1, 19 and 20 are amended herein to clarify that the speaker generates the tuning signal (as described on page 12, lines 8-10, of the Specification).

Therefore, it is respectfully submitted that claims 1, 19 and 20 patentably distinguish over the prior art.

Dependent claims 5, 10, 13 and 18 depend from claim 1 and inherit the patentably recitations thereof. Thus, it is respectfully submitted that claims 5, 10, 13 and 18 also patentably distinguish over the prior art.

ALLOWABLE SUBJECT MATTER

On page 5 of the Office Action, the Examiner notes that claims 3, 4, 6-9, 11, 12 and 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base and any intervening claims.

As argued above, independent claims 1, 19 and 20 patentably distinguish over the prior art. Therefore, it is respectfully submitted that dependent claims 3, 4, 6-9, 11, 12 and 14-17 are patentably as they stand.

REQUEST FOR TELEPHONE INTERVIEW

The Examiner is respectfully requested to contact the undersigned to schedule a telephone interview in order to explain the difference between the estimated echo (EST_ECHO) of Song and the tuning signal of the present invention, as well as the difference in the orientation of the echo canceller 170 of Song, and that of the present invention.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that the pending claims 1 and 3-20 distinguish patentably over the reference and rejections of record and, there being no

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further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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